



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 21, 1996

Mr. Raul Calderon  
Assistant City Attorney  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-1890

Dear Mr. Calderon:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32259.

The City of Austin (the "city") received a request for access to the personnel file of a particular park police officer. You have submitted copies of the requested documents which relate to a pending charge of criminal trespass. You assert that the requested records are excepted from required public disclosure pursuant to section 552.103 of the Government Code.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this instance you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a); the requested records may therefore be withheld.

In reaching this conclusion, however, we assume that the opposing party to the litigation has not previously had access to the records at issue. Absent special circumstances, once information has been obtained by all parties to the litigation no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Finally, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).<sup>1</sup>

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<sup>1</sup>We note that the records submitted for our review contain information that may be excepted from disclosure under section 552.101 of the Government Code. If the city receives requests for these records when section 552.103(a) is no longer applicable, we urge you to exercise caution before releasing the information. See Gov't Code § 552.352 (providing penalties for improper release of confidential information).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Loretta R. DeHay". The signature is fluid and cursive, with the first name "Loretta" being more prominent and the last name "DeHay" following in a similar style.

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 32259

Enclosures: Submitted documents

cc: Mr. David B. Frank  
316 West Twelfth Street, Suite 214  
Austin, Texas 78701  
(w/o enclosures)